

**ENTERED**

February 21, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MICAH GARY JOEL ROLPH

VS.

OMAR ESCOBAR, JR.,

§  
§  
§  
§  
§  
§  
§

MISC.ACTION NO. M-18-601

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff's motion to proceed *in forma pauperis* and proposed complaint, which had been referred to the Magistrate Court for a report and recommendation. On January 18, 2019, the Magistrate Court issued the Report and Recommendation, recommending that the motion to proceed *in forma pauperis* with respect to this action, No. 7:18-MC-601, be **DENIED** as moot, and that the Clerk of the Court be directed to close the instant case and **CONSOLIDATE** it with Case No. 7:18-MC-579, using Case No. 7:18-MC-579 as the lead case. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's motion to proceed *in forma pauperis* with respect to this action, No. 7:18-MC-601, is **DENIED** as moot. The Clerk of the Court is directed to close Case No. 7:18-MC-601 and **CONSOLIDATE** it with Case No. 7:18-MC-579, with Case No. 7:18-MC-579 as the lead case. A copy of this order shall also be entered in Case

---

<sup>1</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' " Douglas v. United States Service Auto. Ass'n, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n. 5 (5th Cir. April 2, 2012).

No. 7:18-MC-579.

SO ORDERED this 20th day of February, 2019, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", written over a horizontal line.

Randy Crane  
United States District Judge